

REMARKS / DISCUSSION OF ISSUES

Claims 4-7, 12, and 16-21 are pending in the application.

The Office action rejects claims 4-7, 12, and 16-21 under 35 U.S.C. 102(e) over Harris et al (USP 6,331,972, hereinafter Harris). The applicants respectfully traverse this rejection.

MPEP 2131 states:

"A claim is anticipated only if *each and every element* as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)... "The *identical invention* must be shown in as *complete detail* as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Harris fails to teach receiving identity information from an item at a host and presenting an associated service field to a user in response to the identity information, as specifically claimed in claim 4, upon which claims 5-7 and 12 depend. Harris also fails to teach selecting an application program based on the identity information, as claimed in claim 16, upon which claims 17-21 depend.

The Office action asserts that the applicants fail to explain how MPEP section 2131 invalidates the Examiner's rejection. To clarify the matter: MPEP 2131 requires that to support a rejection under 35 U.S.C. 102(e), the cited prior art must include each and every claimed element; Harris fails to disclose at least one element of each of the applicants independent claims 4 and 16; ergo, the rejection of claims 4 and 16, and each claim that is dependent on these claims, under 35 U.S.C. 102(e) over Harris is unfounded because each and every claim element is not found in Harris, as required by MPEP 2131.

The Office action asserts that Harris teaches presenting an associated service field to a user in response to the identity information at column 12, line 62 - column 13, line 5. The applicants respectfully disagree with this assertion. As the Office action acknowledges, at the cited text, Harris teaches transmitting an application from one device to another, and then, upon receipt of the application, the receiving device executes the received application to provide a service field to the user. That is, Harris teaches providing the service field in response to receiving an application from another device, and not in response to receiving the identity information.

The Office action asserts that Harris teaches that the application program that provides the service field is transmitted "in response to receiving identity information". This is incorrect. The identity information is provided to allow the devices to communicate in an addressed-service connection:

"ID 66 is desirably sufficiently unique within the domain of network 22 so that it may be used in an addressed service connection, should the setup connection prove successful." (Harris, column 9, lines 57-60.)

Harris does not teach that the ID is used for any other purpose, and in particular does not teach that receiving the ID has any effect on transmitting the application that provides the service field to the user. The presence or absence of the ID field in the example format illustrated in Harris's FIG. 7 has no effect on whether the application is transmitted from one device to another, and no effect on whether a service field is presented to the user.

In Harris, an application program is transmitted if it is included in the "need specification" field 70 of the needs/capabilities message 64, independent of whether an ID 66 is included in this message 64. If an ID 66 is present, but an application is not included in the need specification 70, an application will not be transmitted, and a service field will not be presented to the user. The transmitting of the application is dependent only on the "need specification" field 70, and is not dependent on the ID 66, as asserted in the Office action. Thus, the transmitting of the application and subsequent presentation of a service field in Harris cannot be said to be *in response to* the identity information.

Because Harris fails to teach receiving identity information from an item at a host and presenting an associated service field to a user in response to the identity information, and specifically teaches presenting a service field in response to receiving an application that is specified in a needs specification, and because Harris fails to teach selecting an application based on the identity information, the applicants respectfully maintain that the rejection of claims 4-7, 12 under 35 U.S.C. 102(e) over Harris is unfounded, and should be withdrawn.

Harris also fails to teach selecting an application program based on the identity information, as specifically claimed in claim 16, upon which claims 17-21 depend.

As noted above, and as acknowledged by the Office action, Harris teaches that an application is sent from one device to another if the application is included in the needs specification field. There is no "selection" of an application in Harris, and in particular, there is no selection based on the identity information, as claimed in claim 16, upon which claims 17-21 depend.

Because Harris fails to teach selecting an application program based on the identity information, as specifically claimed in claim 16, the applicants respectfully maintain that the rejection of claims 16-21 under 35 U.S.C. 102(e) over Harris is unfounded, and should be withdrawn.

With regard to claims 7 and 17, the applicants further note that Harris fails to teach producing an iconized representation of the item at the host in response to the identity information. As noted above, Harris's identity information is used to provide an address for use in an addressed service connection.

The Office action asserts that Harris teaches providing an iconized representation of an item at FIG. 20, and asserts that icons 311 are iconized representation of a VCR. The applicants respectfully disagrees with these assertions. FIG. 20 and icons 311 do not illustrate an iconized representation of a VCR.

As is known in the art, an iconized representation of an item conveys a visual identification of the item, such that the item can be readily recognized on the displayed image. Harris's icon 311 is illustrated as: . As is readily apparent, this icon 311 does not look similar in appearance to a VCR. Given a display of , a user would not associate a VCR with this icon. Also, as noted above, this icon is not produced in response to receiving the identity information, it is produced in response to receiving and executing an application program received from the VCR.

Because Harris fails to teach producing an iconized representation of the item at the host in response to the identity information, as specifically claimed in claims 7 and 17, the applicants respectfully maintain that the rejection of claims 7 and 17 under 35 U.S.C. 102(e) over Harris is unfounded, and should be withdrawn.

In view of the foregoing, the applicants respectfully request that the Examiner withdraw the objection(s) and/or rejection(s) of record, allow all the pending claims, and find the application to be in condition for allowance. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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